THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 8396 Of 2004

7th October, 2005.

Between:

Mohammadiya Educational Society, rep. by

Its President, Nazir Ahmed …Petitioner

A N D

1. The Commissioner & Director of

School Education, Government of A.P.

Hyderabad and another ..Respondents.

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 8396 Of 2004

ORDER:

1. This writ petition has been filed by Mohammadiya Educational Society,

represented by its President, assailing the proceedings Rs.No.1725/N2-2/2003, dated 28-10-2003 and Proceedings Rc.No.2322/N2-2/2000, dated 19-11-2001 of the Commissioner and Director of School Education, Government of Andhra Pradesh, Hyderabad as illegal and arbitrary.

2. The petitioner's society is a society registered under Societies Registration Act in the year 1997. The Commissioner & Director of School Education-1st respondent issued notification No.2322/N2-2/2000 dated 28-4-2001 inviting applications from the registered societies to establish private college of education in the notified revenue divisions. Adoni Revenue Division is one such notified revenue division. The petitioner society submitted application for establishing a college at Pathikonda village which is within revenue Division of Adoni. The application filed by the petitioner came to be returned for want of certain defects. After rectifying the defects the petitioner society resubmitted the application on 05-05-2003. When no action has been taken by the respondents on the said application, the petitioner society filed W.P.No.16452 of 2003, questioning the inaction of the respondents. The said writ petition came to be disposed of on 07-08-2003, directing the respondents to consider the representation dated 05-05-2003 of the petitioner for grant of 'No Objection Certificate' within a period of eight weeks. The 1st respondent through Proceeding Rc.No.1725/N2-2/2003, dated 28-10-2003, rejected the request of the petitioner on the ground that the existing rule does not provide any relief, if the conditions are not fulfilled at the time of submission of application. Assailing the proceedings Rc.No. 2322/N2-2/2000, dated 19-11-2001, of the 1st respondent, the petitioner approached this Court invoking the jurisdiction under Article 226 of the Constitution of India.

3. Counter affidavit has been filed by the 2nd respondent.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for School Education appearing for the respondents.

5. The learned counsel for the petitioner submits that the defects pointed out in the earlier application filed by the petitioner for establishing B.Ed., college are curable defects and therefore, the respondent authorities are not justified in rejecting the application of the petitioner.

6. A fact remains that the application filed by the petitioner is found to be defective.

The defects are pointed out in the proceeding impugned in the writ petition. The petitioner having not submitted the application, with necessary particulars as required by the respondent authorities, cannot seek mandamus to the authorities to consider his application.

7. In that view of the matter, the writ petition is devoid of merit and the same is hereby dismissed. No order as to costs.

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B.Seshasayana Reddy,J

7th September, 2005.

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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